

Panaji, 4th April, 1991 (Chaitra 14, 1913)

SERIES I No. 1

OFFICIAL GAZETTE

GOVERNMENT OF GOA

Note: — There are three Extraordinary issues to the Official Gazette, Series I No. 52 dated 28-3-91 namely: No. 1 dated 28-3-91 from pgs. 691 to 696; No. 2 dated 1-4-91 from pgs. 697 to 700 and No. 3 dated 24-91 from pgs. 701 to 702 regarding Notifications from Legislature Dept., Law (Legal & Legislative Affairs) Dept. and Urban Development Dept.

GOVERNMENT OF GOA

Department of Personnel

Notification

1/6/89-PER1405

In exercise of the powers conferred by the proviso to Article 309 of the Constitution, the Governor of Goa hereby makes the following rules relating to recruitment to the Goa General Service, Group 'B' Gazetted post in the Government Polytechnic, Government of Goa, namely —

1. Short title, application and commencement. —

(1) These rules may be called the Government of Goa, Government Polytechnic, Group 'B' Gazetted post, Recruitment Rules, 191.

(2) *Application.* — These rules shall apply to the posts specified in Column 1 of the Schedule to these rules (hereinafter called as the "said Schedule").

(3) They shall come into force from the date of publication in the Official Gazette.

2. Number, classification and scales of pay. —

The number of posts, classification of the said posts and the scales of pay attached thereto shall be as specified in columns 2 to 4 of the said Schedule:

Provided that the Government may vary the number of posts in Column 2 of the said Schedule from time to time subject to exigencies of work.

3. Method of recruitment, age limit and other qualifications. — The method of recruitment to the said posts, age limit, qualifications and other matters connected therewith shall be as specified in columns 5 to 13 of the said Schedule.

4. Disqualification. — No person who has entered into or contracted a marriage with a person having a spouse living or who, having a spouse living, has entered into or contracted a marriage with any person, shall be eligible for appointment to the service:

Provided that the Government may, if satisfied that such marriage is permissible under the personal law applicable to such person and the other party to the marriage and that there are other grounds for so doing, exempt any person from the operation of this rule.

5. Power to relax. — Where the Government is of the opinion that it is necessary or expedient so to do, it may, by order, for reasons to be recorded in writing and in consultation with the Goa Public Service Commission relax any of the provisions of these rules with respect to any class or category of persons.

6. Saving. — Nothing in these rules shall affect reservation, relaxation of age limit and other concessions required to be provided for Scheduled Castes and other special categories of persons in accordance with the orders issued by the Government from time to time in that regard.

7. These rules are issued in consultation with the Goa Public Service Commission vide their letter No. COM/II/13/34(5)/90 dated 13-2-1991.

By order and in the name of the Governor of Goa.

Smt. Prabha Chandran, Under Secretary (Personnel).

Panaji, 13th March, 1991.

SCHEDULE

Name of the post	No. of posts	Classification	Scale of pay	Whether selection post or non-selection post	Age limit for direct recruits	Whether the benefit of added years of service is admissible under Rule 30 of CCS (Pension) Rules 1972	Educational and other qualifications required for direct recruits	Whether age & Educational Qualifications prescribed for the direct recruits will apply in the case of promotees	Period of probation if any	Method of recruitment whether by direct recruitment or by deputation/transfer and percentage the vacancies to be filled by various methods	In case of recruitment by promotion/deputation/transfer, grades from which promotion/deputation/transfer is to be made	If a D. P. C. exists what is its composition	Circumstances in which Goa Public Service Commission is to be consulted in making recruitment	
1	2	3	4	5	6	6(a)	7	8	9	10	11	12	13	
Assistant Stores Officer	1 (1990) Subject to variation dependent on workload	Goa General service Group B Gazetted	Rs. 1640-60-1900-EB-75-2900	Selection	Not exceeding 35 years (relaxable for Govt. servants up to 5 years in accordance with the instructions or orders issued by the Govt.).	No	<p>Essential:</p> <p>i) Degree from a recognised University/Diploma in Engineering from a recognised University/Board or equivalent.</p> <p>ii) Five years experience in procurement/maintenance of Engineering stores.</p> <p>OR</p> <p>i) Degree in Engineering from a recognised University or equivalent.</p> <p>ii) One year experience in procurement of Engineering stores.</p> <p>Desirable:</p> <p>i) Certificate in stores Management and Inventory control from a recognised Institution or firm of repute.</p> <p>ii) Knowledge of Konkani and/or Marathi.</p>	Age: Not Applicable Qualification: Yes	Two years	By promotion/transfer on deputation failing which by direct recruitment.	<p><i>By promotion/transfer on deputation:</i></p> <p>Officers of the Central/State Government/Union Territory Administration.</p> <p>a i) holding analogous post on a regular basis, or with 5 years regular service in posts in the scale of Rs. 1400-2300 &</p> <p>b) possessing the educational qualifications & experience prescribed for direct recruits in column 7.</p> <p>The departmental Senior Storekeeper with 5 years regular service in the grade & possessing the educational qualifications & experience prescribed for direct recruits shall also be considered and if he is selected for appointment against the post it shall be treated as having filled by promotion.</p> <p>(The period of deputation shall ordinarily not exceed three</p>	Group 'B' D.P.C. consisting of:	1. Chairman/Member, GPSC — Chairman. 2. Chief Secretary or his nominee — Member. 3. Administrative Secretary/Head of Department — Member. (for promotion & confirmation).	As required under the G. P. S. C. (Exemption from Consultation) Regulations 1988. Consultation with the G. P. S. C. necessary while making direct recruitment, promotion, confirmation, selection of officer for appointment on deputation and amending/relaxing any of the provisions of these Rules.

Legislature Department

Notification

LA/E/3206/1991

The following Bill which was introduced in the Legislative Assembly of Goa on 27-3-1991 is hereby published for general information in pursuance of the provisions of Rule-136 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

Panaji, 27th March, 1991.

The Goa Prevention of Malpractices at University, Board and other Specified Examinations Bill, 1991

(Bill No. 7 of 1991)

A

BILL

to provide for prevention of malpractices at University, Board and other specified examinations.

Be it enacted by the Legislative Assembly of Goa in the Forty-second Year of the Republic of India as follows: —

1. *Short title and commencement.* — (1) This Act may be called the Goa Prevention of Malpractices at University, Board and other Specified Examinations Act, 1991.

(2) It shall come into force at once.

2. *Definitions.* — In this Act, unless the context otherwise requires, —

(a) "Board" means the Goa Board of Secondary and Higher Secondary Education established under the Goa, Daman and Diu Secondary and Higher Secondary Education Board Act, 1975 (Act 13 of 1975);

(b) "Competent Officer" in the case of employees of the University or any College or recognised institution or any school imparting Higher Secondary Education or any other persons employed for the purposes of any examinations, means the Vice-Chancellor of the University, the Registrar of the University, the Director of Education, any Joint Director of Education and, in the case of employees of any of the colleges or recognised institutions or schools imparting Higher Secondary Education or other educational institutions, includes the Principal or Head of the institution by whatever name called;

(c) "educational institution" means any academic institution imparting Secondary or Higher Secondary Education, or any constituent or affiliated College or any College affiliated to the University, any Higher Secondary Section conducted by any such College and shall include any other institution as may be specified in this Act, from time to time, by the Government by notification in the Official Gazette;

(d) "examination" means any examination held or proposed to be held by the Board or the University and includes such other examination held or proposed to be held by such other authority as may be specified in this behalf, from time to time, by the Government by notification in the Official Gazette;

(e) "Government" means the Government of Goa;

(f) "Official Gazette" means the Official Gazette of the Government;

(g) "refusal to work" in relation to any person to whom any work in connection with any examination has been assigned under this Act, means—

(i) his failure to attend to such work; or

(ii) absence from, the place of work on a working day and during working hours, without obtaining prior permission of the authority competent to grant such permission; or

(iii) his refusal to accept or to do the work; or

(iv) any other conduct on his part, which results in or is likely to result in cessation or substantial retardation of the work, and the expression "to refuse to do the work", with all their grammatical variations and cognate expressions shall be construed accordingly;

(h) "University" means any University established by law in the State of Goa.

3. *Prohibition against certain malpractices by paper setters and punishment for contravention.* — (1) No person who is appointed as a paper setter at examination, or Chairman of the paper setting panel, or translator at any examination, shall supply or cause to be supplied any question paper drawn by him or a copy thereof or communicate the contents of such question paper to any person or give publicity thereto in any manner, except in accordance with the instructions given to him in writing by his appointing authority in this behalf.

(2) Any person who contravenes the provisions of sub-section (1) shall, on conviction, be punished with imprisonment for a term which may extend to one year, or with fine which may extend to one thousand rupees, or with both.

4. *Duties of persons entrusted with printing, etc. of question papers and punishment for contravention.* — (1) Any person who is entrusted with the work of printing, cyclostyling, typing or otherwise producing copies of any question paper set for the purposes of any examination shall not supply or cause to be supplied a copy thereof or communicate the contents thereof to any person or give publicity thereto in any manner, except in accordance with the instructions given to him in writing by the authority which entrusted the work to him.

(2) Any person who contravenes the provisions of sub-section (1) shall, on conviction, be punished with imprisonment for a term which may extend to one year, or with fine which may extend to one thousand rupees, or with both.

5. Duties of persons entrusted with custody of question papers and punishment for contravention.—

(1) Any person who is entrusted with the custody, or is otherwise in possession, of any question papers set-up for the purposes of any examination shall not supply or distribute or cause to be supplied or distributed any copy thereof or communicate the contents thereof to any person or give publicity thereto in any manner, except in accordance with the instructions given to him in writing by the authority which entrusted the custody or gave possession thereof to him.

(2) Any person who contravenes the provisions of sub-section (1) shall, on conviction, be punished with imprisonment for a term which may extend to one year, or with fine which may extend to one thousand rupees, or with both.

6. Prohibition of supply of publication of any question paper before examination is held.— Whoever has in his possession any question paper set or purported to be set for any examination and supplies or causes to be supplied or offers to supply a copy thereof, or communicate or offers to communicate the contents thereof, to any person, whether for any consideration or otherwise or gives publicity thereto in any manner, or except in accordance with the instructions issued in writing by an authorised officer of the University, Board or other authority concerned with the examination, at any time before the examination is held, shall, on conviction, be punished with imprisonment for a term which may extend to one year, or with fine which may extend to one thousand rupees, or with both.

7. Prohibition of copying.— (1) Whoever is found in or near an examination hall by the invigilator or any other person appointed to supervise the conduct of the examination, copying answers to the Question Paper set at the examination, from any book, notes or answer papers of other candidates, or appearing at the examination for any other candidate or uses any other unfair means, shall, on conviction, be punished with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

(2) Any person, including Conductor, Deputy Conductor, invigilator, peon, water-boy, bell-boy, stationery supervisor, despatch clerk, etc. appointed to conduct or cause to be conducted or assist in the conduct of examination or any other person or persons connected with the conduct of examination, shall not indulge or cause to indulge in supplying any hand written, printed or cyclostyled or in any other form copying material to the candidates in or near the examination hall. Any person who contravenes the provisions of this sub-section shall, on conviction, be punished with imprisonment for a term which may extend to one year, or with fine which may extend to one thousand rupees, or with both.

8. Prohibition of impersonation, intimidation and unauthorised entry of any person in the premises of the examination hall.— (1) Any person who is not authorised by the Board or Conductor or Deputy Conductor, shall not enter the examination hall for any reasons whatsoever.

(2) Any act of impersonation or intimidation by way of assault, oral threat or any gesture in or outside the examination hall or examination premises to the invigilators, Conductors, Deputy Conductors or any staff connected with the conduct of examination is strictly prohibited.

(3) Any person or persons who contravenes any of the provisions of sub-section (1) or (2) shall, on conviction, be punished with imprisonment for a term which may extend upto one year, or with fine which may extend to one thousand rupees, or with both.

9. Power to appoint paper setters, etc. for examination.— Notwithstanding anything contained in any law for the time being in force, in the case of any examination held or proposed to be held by any University, or in the case of any other examination, the Competent Officer, may, if he is satisfied that the number of paper-setters, examiners, moderators, invigilators and other persons required are not sufficient or would not be sufficient for conducting the examination, he may appoint any suitable person as additional paper-setter, examiner, moderator, invigilators and such other person as he may deem necessary for the conduct of such examination.

10. Punishment for refusal or instigation, etc.— Any person who—

- (i) refuses or acts in furtherance of refusal to do the examination work assigned to him; or
- (ii) instigates or incites any other person or persons not to take part in any examination work assigned to that person or persons

shall, on conviction, be punished with imprisonment for a term which may extend to two years or with fine which may extend to two thousand rupees, or with both.

11. Offences to be cognizable and non-bailable.— Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (Central Act 2 of 1974), all offences under this Act shall be cognizable offences and shall be non-bailable.

12. Offences to be tried summarily.— Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (Central Act 2 of 1974), all offences under this Act shall be tried in a summary way by any Judicial Magistrate of the First Class and the provisions of sections 262 to 265 (both inclusive) of the said Code shall, as far as may be, apply to such trial.

13. Repeal and saving.— (1) The Goa Prevention of Malpractices at University, Board and other Specified Examinations Ordinance, 1990 (Ordinance No. 5 of 1990) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken in exercise of any power conferred by or under the said Ordinance shall be deemed to have been done or taken in the exercise of the powers conferred by or under this Act as if this Act were in force on the day on which such thing or action was done or taken.

Statement of Objects and Reasons

The incidences of malpractices at the Board's Examinations and also other Examinations are increasing every year. The Board at present inflicts a schedule of punishment to those who are found to use unfair means at the Examinations. The procedure of dealing with such cases has been found to be too cumbersome and time consuming. It is therefore felt that the problem of increasing malpractices at the Examinations is to be tackled by bringing appropriate legislation.

Another issue linked with the timely declaration of results at any Examination is the participation of required number of personnel in the conduct of Examination and the assessment of answerbooks. The conduct of Examinations and declaration of results involve considerable administrative preparation on part of all concerned as they are required to be completed within stipulated time. To ensure

this, it has become necessary to incorporate a special clause to the effect that refusal on part of any person to accept any work relating to the Examination shall be treated as an offence under the Bill.

The Bill seeks to achieve the above objects. The offences under the Bill are sought to be made cognizable as also non-bailable. They shall be tried in summary way.

Financial Memorandum

No financial implications are involved in the Bill.

Panaji,
22nd February, 1991.

RAVI NAIK
Chief Minister

Assembly Hall,
Panaji,
25th February, 1991

M. M. NAIK
Secretary to the Legislative
Assembly of Goa